

the people of the State that is meaningful and that has long been neglected.

The amendment which the minority will propose to you will read as follows: "Employees shall have the right to organize and bargain collectively through representatives of their own choosing."

The concept of the right of employees to organize and to bargain collectively has evolved painfully through many years. At the time that our last constitution was composed, quite the opposite view prevailed and it was felt that the employer had the absolute right to do what he pleased with his property, including his employees.

I would like to read to you one paragraph which I took out of the Dred Scott case which was decided in 1857, just ten years before our present constitution was written, in which Chief Justice Taney, in that very famous opinion, said: "That the right of property in a slave is distinctly and affirmatively expressed in the Constitution, the right of traffic in it, like an ordinary article of merchandise and property was guaranteed to the citizens of the United States and the government in express terms has pledged to protect it in all future times if the slave escapes from the owner."

Contrast that, if you will, with the opinion of the same Supreme Court of the United States, eighty years later in the case of *National Labor Relations Board v. Jones & Laughlin* in which the Supreme Court held constitutional the National Labor Relations Act and in which Chief Justice Charles Evans Hughes said that a single employee was helpless in dealing with an employer, that he was dependent ordinarily on the daily wage for the maintenance of himself and his family, that if the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employer and resist arbitrary and unfair treatment, and by that pronouncement the Supreme Court of the United States held that the federal government was within constitutional prerogatives to enact a law regulating the relationship between employers and employees and giving employees the rights which otherwise would have been denied to them to bargain, to organize one with the other, and to bargain collectively.

In the course of the succeeding years since *Jones & Laughlin*, and since the time of the National Labor Relations Act and the recognition that the state should and must afford this fundamental right to

working people, a number of states have recognized this right and have both constitutionally and by statute effectuated the right. The New York Constitution, the 1938 Constitution prior to the National Labor Relations Act, contained a right to organize and bargain. We in Maryland have done very little or nothing, as a practical matter, to guarantee the rights of our working citizens to organize and bargain collectively.

Historically, I think it is interesting to note — because I am sure that many members of the Committee will want to know how this recommendation fits into the context of the Declaration of Rights which we have been discussing the last several days — that the previous edition of the model state constitution published in 1945 and re-issued through to 1959, contains a right to organize. I will not read it all to you, but it is very similar to the proposal which we make to you today.

The present model state constitution contains no such provision; however, I would like to read to you the reasons the authors give for not recommending the inclusion of the right to organize and bargain collectively in the current constitution, because I think it will be of great interest to the people of this Committee who are having one hundred years to catch up with in preparing this new constitution.

The National Municipal League says after having discussed a number of other things they feel belong in or out of a Constitution: "Certain other rights, such as, for instance, the right to bargain collectively, or the provision that labor is not a commodity were not included because under present constitutions they appeared to need no separate constitutional reflection.

"It is recognized, however, that in some jurisdictions there may be need for inclusion of such provisions and their omission here is not intended as an expression of opposition to their inclusion on substantive policy grounds."

We still do need a right to organize and bargain collectively in the basic law of the State. We need it because nearly half a million of our working citizens do not today have any protection whatever in this regard.

The National Labor Relations Act to which I earlier referred covers only those people in interstate commerce who are employed by employers of some size and substance.